

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
AMTROL HOLDINGS, INC., *et al.*,) Case No. 06-11446 (KG)
)
Reorganized Debtors.) (Jointly Administered)
)

08-281

STATEMENT OF ISSUES ON APPEAL
AND DESIGNATION OF CONTENTS OF RECORD ON APPEAL

KENNETH ELDER, SR., BARBARA ELDER, L H. E , by his
mother and next friend, Rose Jansen, and A N : E , by her
mother and next friend, Jeanine Valianos (collectively, the "Elder Family"), by
and through their undersigned attorneys, state as follows pursuant to Rule 8006
of the Federal Rules of Bankruptcy Procedure and Rule 8006-1(a) of the Local
Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy
Court for the District of Delaware:

Statement of Issues on Appeal

1. Did the Bankruptcy Court abuse its discretion in denying the Elder Family's motion for abstention?
2. Did the Bankruptcy Court err in finding that the terms of (a) the *First Amended Joint Chapter 11 Plan of Reorganization for Amtrol Holdings, Inc., Amtrol Inc., Water Soft Inc. and Amtrol International Investments Inc., Proposed by the Official Committee of Unsecured Creditors and the Debtors* (the "Plan") and (b) the

Bankruptcy Court's *Findings of Fact, Conclusions of Law and Order* confirming the Plan (the "Confirmation Order") prohibit litigation of the Elder Family's claims in a court other than a forum provided for under 28 U.S.C. §157(b)(5)?

3. Did the Bankruptcy Court err in finding that the Elder Family is enjoined from pursuing its claims against the Debtors in any court other than a forum provided under 28 U.S.C. §157(b)(5)?

4. Did the Bankruptcy Court err in finding that the Elder Family consented to adjudication of its claims in a forum provided for under 28 U.S.C. §157(b)(5)?

5. Whether the Bankruptcy Court erred in referring the Elder Family's claims and the Debtors' objections to those claims to the United States District Court for the District of Delaware for further proceedings?

6. Did the Bankruptcy Court incorrectly construe the Plan and the Confirmation Order as containing injunctive relief applicable to adjudication of the Elder Family's claims that was effective upon confirmation of the Plan?

7. Whether the Bankruptcy Court erred in concluding that the Plan and the Confirmation Order preclude entry of an order abstaining from hearing the Elder Family's claims?

Designation of Contents of Record on AppealA. Bankruptcy Court Docket Case No. 06-11446

<u>Docket No.</u>	<u>Date Filed</u>	<u>Document Name</u>
318	April 11, 2007	First Amended Chapter 11 Plan for Amtrol Holdings, Inc., Amtrol Inc., Water Soft Inc. and Amtrol International Investments Inc.
405	May 24, 2007	Order and Findings of Fact, Conclusions of Law Confirming First Amended Joint Chapter 11 Plan of Reorganization for Amtrol Holdings, Inc., Amtrol Inc., Water Soft Inc. and Amtrol International Investments Inc.
442	June 25, 2007	Reorganized Debtors' Third Omnibus Objection to Claims Pursuant to 11 U.S.C. Section 502(b) and Fed. R. Bankr. P. 3007
577	October 23, 2007	Motion to Approve (<i>Motion of the Elder Family for Abstention</i>)
588	November 19, 2007	Memorandum of Law in Support of Reorganized Debtors' (1) Objection to Motion of Elder Family for Abstention and (2) In Further Support of Reorganized Debtors' Third Omnibus Objection to Claims (Including All Attachments)
594	November 28, 2007	Minutes of Hearing held on: 11/28/ 2007 (Including All Attachments added on 11/28/2007)
597	December 4, 2007	Transcript of Hearing held on November 28, 2007 before the Honorable Kevin Gross ¹

¹ While the docket indicates the transcript relates to a hearing on October 28, 2007, the Elder Family believes the transcript referenced in the dockets relates to the hearing before the bankruptcy court on November 28, 2007 concerning the Elder Family's claims and motions and the Debtors' objections to those claims and motions.

637	January 16, 2008	Memorandum of Law in Support of Abstention, in Opposition to Preemption and in Opposition to Finding that Prosecution of Claims is Enjoined (Including All Attachments)
652	February 6, 2008	Memorandum of Law (Debtors' Reply) in Opposition to Elder Family's Memorandum of Law (Including All Attachments)
675	March 26, 2008	Minutes of Hearing held on: 3/26/2008 (Including All Attachments added on 3/26/2008)
677	April 1, 2008	Opinion re Reorganized Debtors' Third Omnibus Objection to Claims and the Elders' Motion for Abstention
678	April 1, 2008	Order Denying the Claims Objection and Denying the Abstention Motion
679	April 10, 2008	Notice of Appeal Filed by the Elder Family
682	April 11, 2008	Notice of Appeal filed by the Debtors
685	April 21, 2008	Amended and Corrected Order
Requested	Requested	Transcript of Hearing held on March 26, 2008 before the Honorable Kevin Gross ²

B. Claims Register

<u>Claim No.</u>	<u>Date Filed</u>	<u>Claimant(s)</u>	<u>Debtor</u>
285	March 22, 2007	Amtrol Inc.	Amtrol Inc.
287	March 22, 2007	Amtrol International Investments Inc.	Amtrol International Investments Inc.
289	March 22, 2007	Amtrol Holdings Inc.	Amtrol Holdings Inc.

² A copy of the Elder Family's request for preparation of the March 26, 2008 transcript is attached hereto as Exhibit A.

265	March 22, 2007	Kenneth Elder Sr. and Barbara Elder	Amtrol Inc.
286	March 22, 2007	Kenneth Elder Sr. and Barbara Elder	Amtrol International Investments Inc.
290	March 22, 2007	Kenneth Elder Sr. and Barbara Elder	Amtrol Holdings, Inc.
264	March 22, 2007	L H. E	Amtrol Inc.
288	March 22, 2007	L H. E	Amtrol International Investments, Inc.
291	March 22, 2007	L H. E	Amtrol Holdings Inc.

Respectfully submitted,
SEITZ, VAN OGTROP & GREEN, P.A.


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Exhibit “A”

Transcript/CD Order Form Please fill out all spaces completely and return via mail or fax to: U.S. BANKRUPTCY COURT DISTRICT OF DELAWARE 824 MARKET STREET, WILMINGTON, DE 19801 FAX NO. 302-573-6006				FOR COURT USE ONLY DUE DATE	
1. NAME		2. FIRM NAME & PHONE NUMBER		3. DATE	
Patricia P. McGonigle, Esquire		Seitz, VanOgtrop & Green (302) 888-7605		4/11/08	
4. MAILING ADDRESS		5. CITY		6. STATE & ZIP CODE	
222 Delaware Avenue, Suite 1500		Wilmington		DE 19801	
7. CASE NAME & NUMBER		8. NAME OF JUDGE		9. LOCATION OF PROCEEDINGS	
Amtrol Holdings, Inc. C.A. No. 06-11446 (KG)		The Honorable Kevin Gross		Delaware - Courtroom 3	
10. DATE AND TIME OF HEARING		SELECT THE TYPE OF DELIVERY BELOW			
3/26/08 2:00 p.m.		CD *see note below <input type="checkbox"/>		TRANSCRIPT (select format) Hard Copy Only <input checked="" type="checkbox"/> <input type="checkbox"/> (include your e-mail address below)	
11. PAGE ORDER BELOW		ORIGINAL (Includes One Free Copy for the Court)		EACH ADDITIONAL COPY	
CATEGORY (please see the document entitled "Transcript Costs" which is posted in the Forms and Documents section of the Court's website for information on costs and descriptions of the categories.)		ORDINARY		EXPEDITED	
CERTIFICATION (13 & 14) By signing below, I certify that I will pay all charges due for this order.		DATE		13. DATE	
12. SIGNATURE <i>Patricia P. McGonigle</i>		DATE		4/11/08	
FOR COURT USE ONLY					
ORDER RECEIVED		DATE		BY	
DEPOSIT PAID		DATE		DEPOSIT PAID	
TRANSCRIPT ORDERED		DATE		TOTAL CHARGES	
TRANSCRIPT RECEIVED		DATE		RECEIVED	
ORDERING PARTY NOTIFIED FOR PICK UP		DATE		TOTAL REUNDED	
TRANSCRIPT		DATE		TOTAL DUE	
PARTY RECEIVED TRANSCRIPT		DATE		TOTAL DUE	

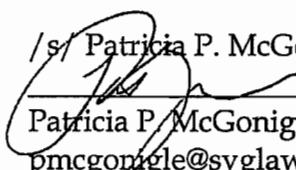
revised : December 22, 2005

Certificate Of Service

The undersigned certifies that on April 21, 2008, she caused a true and correct copy of the foregoing *Statement Of Issues On Appeal And Designation Of Contents Of Record On Appeal* to be served upon counsel to Reorganized Debtors listed below by United States Postal Service, postage fully prepaid, and by electronic notification via CM/ECF, to those persons listed thereon:

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